

**THE
INDIANA JUDGES'
BENEFITS BROCHURE**

**Presented by
Indiana Judges Association's
Benefits Committee:**

**Hon. Michael Eldred
Hon. Nancy Vaidik
Hon. Jonathan Webster**

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317-232-2542
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The Honorable Ernest E. Yelton, President
The Honorable Jeffrey C. Eggers, Chairman
The Honorable Robert L. Barnet, Jr.
The Honorable Barbara A. Harcourt
The Honorable William J. Hughes
The Honorable Richard D. McIntyre

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Thanks to all of you.

The Honorable Nancy H. Vaidik, Judge
Indiana Court of Appeals
The Honorable Michael H. Eldred, Judge
Vigo Superior Court, Division 1, Chairman of the Revision Committee
The Honorable Jon W. Webster, Judge
Jennings Circuit Court

PREFACE

I. GENERAL PURPOSE

The Indiana Judges' Association in conjunction with the Division of State Court Administration established the Benefits Committee to create a Benefits Brochure. The purpose of this brochure is to provide all judges in Indiana an easy reference manual for the various benefits offered by the state of Indiana as part of judges' and other judicial officials' state compensation package. This document is not part of the Benchbooks, but is provided as an introduction. The information contained herein is current as of the date of publication on the cover sheet. However, legislative changes will make periodic updating a necessity because of the statutory basis of Judges' salaries, retirement plans, and death/disability benefits. Furthermore, changes could occur through administrative changes regarding savings plans and insurance. The brochure has been prepared as a three ring binder document to allow easy replacement of necessary pages or sections when changes occur. This brochure represents the committee's interpretation of applicable Indiana statutes. Where possible, judges are directed to the appropriate statutory language. Nothing in this Brochure is intended to create an employment contract. All information contained is subject to change. The Committee will make every effort to ensure that updates are made in a timely manner. For more detail, contact the Division of State Court Administration. Furthermore, for benefits available on a county level, contact your County Auditor.

Division of State Court Administration
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II. FORMAT

This Benefits Brochure is divided into 5 main components. Those components are: Salary, Insurances, Savings Plans, Retirement Plans, Death and Disability Benefits. The Salary Chapter is merely a reference to the appropriate statutory citation. The main area of focus is the fringe benefits available to Judges other than salaries. Tables and statutory references have been provided for your information and direction.

JUDICIAL SALARIES AND OTHER COMPENSATION

I. JUDICIAL SALARIES

- A. Judicial Salaries are set by the Indiana General Assembly and are subject to periodic change. The salary legislation is found in I.C. 33-13-12-1 *et seq.*
- B. The Supreme Court of Indiana, Court of Appeals of Indiana, and the Indiana Tax Court salary legislation is found in I.C. 33-13-12-9.
- C. The Trial Judges salary legislation is found in I.C. 33-13-12-7.1.
 - 1. County Supplement legislation is found in I.C. 36-3-6-3 and I.C. 36-2-5-14.
- D. The Magistrates salary legislation is found in I.C. 33-4-7-9.1.
 - 1. County Supplement legislation is found in I.C. 36-3-6-3 and I.C. 36-2-5-14.
- E. The Juvenile Magistrates salary legislation is found in I.C. 33-13-12-8.2 and I.C. 33-4-7-9.1 and 11.
 - 1. County Supplement legislation is found in I.C. 36-3-6-3 and I.C. 36-2-5-14.
- F. The Senior Judge *per diem* compensation legislation is found in I.C. 33-4-8-5, and specifies that senior judges are entitled to a *per diem* of \$50 per day served and reimbursement for mileage and reasonable expenses. *See also* Ind.Administrative Rule 5. Senior judges are entitled to state benefits, provided they are appointed for service for a period of at least 30 days, and provided they serve at least 30 days during each calendar year. *See* I.C. 5-10-8-1; Admin.R. 5. Senior judges may not be compensated for senior judge service for more than 100 days in the aggregate during any one calendar year. IC 33-4-8-5. According to the Division of State Court Administration's schedule, senior judges may not be compensated for both senior and special judge service performed on the same day. *See* Ind.Trial Rule 79(P).
- G. The Judge *Pro-Tempore* compensation is set by Ind.Trial Rule 63. Supreme Court *pro tems* are paid at the rate of the regular presiding judge of the court in which the *pro tem* serves. T.R. 63(D) and I.C. 34-35-1-4. This amount includes any county supplement. Local *pro tems* are paid \$25 per day for their service. T.R. 63(D).
- H. Special Judges are paid at a rate of \$25 per day for each jurisdiction served if the special judge is a senior judge (who has not served that same day as a senior judge) or an attorney not currently being paid as a judge or other

“employee of the judiciary.” T.R. 79(P). Sitting judges and other employees of the judiciary are entitled to mileage and expense reimbursement.

II. DIRECT DEPOSIT

Direct Deposit is a safe and convenient check handling system where your paycheck is deposited into your financial institution on the morning of your scheduled payday. No special accounts are required for Direct Deposit.

Judges will continue to receive a statement showing tax and benefit deductions.

For more information, please contact:

Division of State Court Administration
115 W. Washington Street, Suite 1080
Indianapolis, IN 46204
317/232-2542

III. SAVINGS BONDS

Judges may purchase Savings Bonds (Series EE) through payroll deduction. Savings bonds offer competitive, market-based rates, tax deferral, and are exempt from state and local taxes. Bond denominations range from \$100.00 to \$10,000.00. A payroll deduction of any amount can go towards the purchase of the bonds. For more information, please call

National Bond & Trust
800/426-9314

INSURANCES

I. LIFE INSURANCE

A. VOLUNTARY LIFE INSURANCE

Judges are eligible to participate in the Voluntary Group Term Life Insurance program offered through the State. The basic benefit under this program is a lump sum payment made upon death in the amount of 150% of the judge's annual gross salary rounded to the next thousand. An accidental death benefit, equal to the basic benefit, is paid in a lump sum in addition to the basic benefit when death results from accidental means. Under the Voluntary Life Insurance program, an accidental dismemberment benefit is paid upon the loss of eyes, hands, or feet by accidental means.

The basic life insurance benefit may be converted to an individual insurance policy without submission of evidence of insurability or good health if the insurance terminates due to termination of employment by retirement (or otherwise), expiration of 90 day leave of absence, or ineligibility for further coverage under the plan. Application for an individual insurance policy must be made and premium paid within 31 days after the individual becomes ineligible for further coverage under the plan.

Enrollment may be made at any time during the first 31 days of employment. A judge wishing to enroll after this time must submit evidence of insurability including good health.

The State and the judge share in the cost of the Voluntary Life Insurance program. A deduction is made from the judge's salary for the judge's portion of the cost.

B. SUPPLEMENTAL VOLUNTARY INSURANCE

A judge may also apply for Supplemental Voluntary Insurance at the time application is made for the basic plan. The judge is entirely responsible for the cost of this plan. Policy increments vary depending upon annual salary in \$10,000 increments beginning at \$30,000 and going up to \$100,000.

C. DEPENDENTS' LIFE INSURANCE

A judge's dependents may be covered under the Dependent Life Insurance program for term policies of \$2,000, \$5,000, or \$10,000 for a spouse and each dependent child. Basic and supplemental policies are prerequisites for this coverage. The judge is entirely responsible for the cost of this plan.

For more information regarding life insurance coverage, please contact:

Division of State Court Administration
115 W. Washington Street, Suite 1080
Indianapolis, IN 46204
317/232-2542

II. HEALTH INSURANCE

D. BLUE CROSS/BLUE SHIELD

Basic medical and major medical health insurance is available through a group policy with Blue Cross/Blue Shield. Hospital admissions under this policy are subject to a pre-admission certification program. The judge and the State share in the cost of this medical plan.

E. HEALTH MAINTENANCE ORGANIZATIONS (HMO's)

Judges may enroll in one of six different health maintenance organizations. These include: Anthem HMO, Arnett, Humana, M-Plan, Maxicare of Indiana, and Wellborn HMO. Eligibility for enrollment in a health maintenance organization is determined by the county in which the judge resides. The State makes contributions toward the cost of each of the programs. In most cases, a bi-weekly deduction is also taken from the judge's salary.

F. DENTAL INSURANCE

All judges may be covered by dental insurance through Blue Cross/Blue Shield or Anthem Dentacare whether or not they elect medical coverage at all. The State of Indiana provides these dental plans at no cost to the judge and dependents. However, the judge must enroll to be eligible.

G. VISION INSURANCE

Each of the health maintenance organizations contain some optical coverage. However, for optical coverage outside the HMO's, there is coverage available through Vision Service Plan. Judges must enroll to be eligible. Family premiums are the responsibility of the judges.

H. EMPLOYEE ASSISTANCE SERVICES for YOU (EASY) PROGRAM

As a State of Indiana employee, you and your family are entitled to this benefit at no cost. The EASY Program is designed to assist with every day concerns, such as: difficult workplace situations, family problems, child and elder care issues, legal concerns, financial issues, and housing concerns. The EASY Program can also help you or a family member receive treatment for mental health and substance abuse problems. You can reach an EASY counselor at 1/800-223-7723 twenty-four (24) hours a day.

I. INDIANA JUDGES AND LAWYERS ASSISTANCE PROGRAM

The Indiana Judges and Lawyers Assistance Program was created by [Rule 31](#) of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys, Indiana Rules of Court. The Committee will provide assistance to judges who suffer from physical or mental disabilities that result from disease, chemical dependency, mental health problems or age that impair their ability to practice.

Contact Information: Susan B. Eisenhauer, Executive Director, 101 West Ohio Street, Suite 2000 Indianapolis, IN 46204

J. TAXSAVER

TAXSAVER provides a tax reduction for judges who have a payroll deduction for medical coverage. The premium for the health insurance is treated as a pre-tax benefit, thus reducing your tax liability. Contributions are not reportable income.

Participation in the TAXSAVER Program will not affect salary-related benefits, such as life insurance and retirement benefits.

TAXSAVER follows the guidelines provided in Section 125 of the Federal Internal Revenue Service Codes.

III. FURTHER INFORMATION

More extensive descriptions of the insurance policies available to judges may be obtained from the Division of State Court Administration, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, (317) 232-2542. This summary of benefits is intended as an outline and does not amend, extend, or alter any coverage under any contract for insurance.

IV. OPEN ENROLLMENT

The open enrollment period is a time when individuals may make changes to their existing coverage or add/delete coverage according to the guidelines. A packet of open enrollment information is sent out each year in late November with a deadline of early December for such changes.

V. DEPENDENT COVERAGE

Please note that dependents over the age of 19 must be certified at this open enrollment time in order to ensure that coverage remains in effect according to the guidelines set by State Personnel.

DEFERRED COMPENSATION

Indiana Judges may elect to participate in a plan of deferred compensation pursuant to I.C. 5-10-1.1-1. Deferred Compensation offers the eligible employee long-term savings while avoiding current taxation. By transferring current income to a later day, an employee will reduce current income taxes while at the same time increase available retirement income.

Deferred Compensation is only permitted by way of payroll deduction and following completion of a participation agreement obtained through the Indiana Deferred Compensation Plan.

No federal, state, or local income taxes are paid on contributions or earnings until you leave public employment and also withdraw your contributions. No withdrawals are permitted until retirement, termination of employment, or a financial emergency. Upon death of the member, all sums will be immediately paid to the proper beneficiary. Members will receive quarterly statements reflecting this actual deferred compensation as well as earnings thereon.

Deferred Compensation funds are invested in any one of several alternatives as reviewed by the Treasurer of State. The member is empowered to select one of several available investment alternatives such as annuities, growth funds, or money market funds. Funds on deposit may be transferred to another qualified plan of which the member has become a participant.

The range of contributions allows the member to contribute any amount up to 25% of annual earnings up to a limit of \$8,000 in any given calendar year. There are eighteen fund options available to customize your plan to meet your individual needs. Deferred compensation will not impact social security or PERF payments upon retirement. At the time of retirement, payment may be made either monthly, in a lump sum, or delayed until future years. Federal tax will be withheld for the member and paid to the IRS.

Well over 12,000 public employees are now members of the Indiana Deferred Compensation Plan. In addition to the employee contributions, the State of Indiana will offer a State Incentive Match of \$15 bi-weekly beginning with the employee's third payroll deduction into the plan. These matching contributions are 100% vested and are available to members upon separation from service.

For more information, please contact:

Indiana Deferred Compensation Plan
150 W. Market Street, #406
Indianapolis, IN 46209-6420
(317) 638-1195 or 800/382-1195

JUDGES RETIREMENT SYSTEM

INTRODUCTION

Indiana Judges are participants in the Judges Retirement System. The system is administered by the Board of Trustees (hereinafter “board”) of the Public Employees’ Retirement Fund (PERF). Judges entitled to participate are those who have served, or are serving, as the regular judge of the Supreme Court, Court of Appeals, Circuit Courts, Superior Courts, Probate Courts, County Courts, or Indiana Tax Court. Statute does not provide for the participation of magistrates or other judicial officials at this time, although service as a PERF covered full-time referee, full-time magistrate, or full-time commissioner, or service in an other PERF-covered position may be included in judicial retirement computations where such an employee later becomes a judge. *See* IC 33-13-9.1-10 and 10.5 and; IC 33-13-10.1-14 and 14.5, and pages 22-23, *infra*.

The benefits are funded through the Indiana Judges’ Retirement Fund, comprised of participants’ contributions; gifts, devises, grants, or bequests made to the fund; interest on investments or deposits of the fund; and any other contribution or payment made to the fund as provided by the Indiana General Assembly including any appropriations from the State’s general fund.

Within the Judges Retirement System are two existing benefit systems: the 1977 benefit system (I.C. 33-13-9.1 *et seq.*) and the 1985 benefit system (I.C. 33-13-10.1 *et seq.*) Each benefit system is described in greater detail below. Provisions applicable only to the 1977 benefit system are described in Section I. Provisions applicable only to the 1985 system are described in Section II. Provisions which are applicable to both systems are covered by Section III.

I. THE 1977 BENEFIT SYSTEM

A. APPLICATION OF THE 1977 BENEFIT SYSTEM

The statutes defining the 1977 benefit system are found at I.C. 33-13-9.1-1 through 33-13-9.9-10. This benefit system applies only to individuals who began service as a judge prior to September 1, 1985.

B. ELECTION NOT TO PARTICIPATE

Judges who are eligible to participate in the 1977 benefit system may elect not to participate. I.C. 33-13-9.1-3. An election not to participate must be in writing and filed with the board. For those judges beginning service between July 1, 1953 and September 1, 1985, the election must have been made within twenty days of commencing service as a judge. For judges commencing service prior to July 1, 1953, the election not to participate must have been filed with the board not later than June 10, 1953.

An election not to participate is irrevocable. Once such an election is made, the judge is thereafter ineligible to receive benefits from the 1977 or 1985 benefit system. *See* IC 33-13-10.1-1 (providing that the 1985 system applies only to an individual who begins service as a judge after August 31, 1985).

C. RETIREMENT BENEFITS UNDER THE 1977 SYSTEM

A participant who retires after June 30, 1977, with eight years of service and who has attained age of 62 years or who after June 30, 1999 elects retirement, is at least **55** years old, and the person's age in years plus the years of service is at least 85 (the "rule of 85") is entitled to an annual retirement annuity. The annuity is equal to the product of the minimum salary, as defined by statute, being paid for the office held by the participant on the date of separation from service, including amendments to increase the salary for that office, multiplied by the percentage set forth in the following table:

YEARS OF SERVICE	PERCENTAGE
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

Partial years of service before the eighth year are prorated by month. If the participant is not age 65 at the date of retirement and does not meet the "Rule of 85," the annuity is reduced by 0.1% for each month the participant's retirement date precedes the participant's 65th birthday. This reduction does not apply to a participant who separated from service due to a permanent disability.

D. SURVIVOR'S BENEFIT UNDER THE 1977 BENEFIT SYSTEM

Under the Judges 1977 Benefit System, the participant may designate either a spouse or surviving child or children to receive a survivor's benefit. Pursuant to IC 33-13-9.1-4 *et seq.*, the specific benefit provisions are as follow:

1. The surviving spouse or surviving child or children, as designated by the participant, of any participant who has qualified before July 1, 1977, to receive the retirement annuity under the 1977 system, either by length of service or by being permanently disabled, shall, upon the death of such participant, be entitled to an annuity in an amount equal to the greater of:

(a) the sum of:

(1) \$2,000 plus 50% of the amount of retirement annuity the participant was drawing at the time of the participant's death, or to which the participant would have been entitled had the participant retired and begun receiving retirement annuity benefits prior to the participant's death; or

(b) the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	\$10,000
July 1, 1996, to June 30, 1997	\$11,000
July 1, 1997, and thereafter	\$12,000

2. If a participant who qualifies after June 30, 1977, and before July 1, 1983, to receive a retirement annuity the 1977 system, either by length of service or by being permanently disabled, dies, the participant's surviving spouse or surviving child or children, as designated by the participant, is entitled to an annuity in an amount equal to the greater of:

(a) 50% of the amount of retirement annuity the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement annuity benefits before death; or

(b) the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	\$10,000
July 1, 1996, to June 30, 1997	\$11,000
July 1, 1997, and thereafter	\$12,000

3. If a participant:

(a) dies after June 30, 1983; and

- (b) on the date of the participant's death:
- (1) was receiving benefits under this chapter;
 - (2) had completed at least 8 years of service and was in service as a judge;
 - (3) was permanently disabled; or
 - (4) had completed at least 8 years of service, was not still in service as a judge, and was entitled to a future benefit;
- the participant's surviving spouse or surviving child or children, as designated by the participant, is entitled, regardless of the participant's age, to an annuity in an amount equal to the greater of the amount:

- (c) the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	\$10,000
July 1, 1996, to June 30, 1997	\$11,000
July 1, 1997, and thereafter	\$12,000

- (d) or, 50% of the amount of retirement annuity the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement annuity benefits on the participant's date of death, with reductions if:

- (1) a participant who elects to accept retirement after June 30, 1977, has not attained age 65 – then the participant is entitled to receive a reduced annual retirement benefit which equals the benefit which would be payable if the participant were 65 reduced by 0.1% for each month that the participant's age at retirement precedes the participant's sixty-fifth birthday. This reduction does not apply to:

- (1) participants who are separated from service because of permanent disability;
- (2) survivors of participants who die while in service after August 1, 1992; or
- (3) survivors of participants who die while not in service but while entitled to a future benefit; or
- (4) survivors of participants who qualify under the Rule of 85.

4. Notwithstanding the other provisions, if a participant:
- (a) died after June 30, 1983, and before July 1, 1985; and
 - (b) was serving as a judge at the time of death;

the surviving spouse is entitled to the same retirement annuity as the surviving spouse of a permanently disabled participant entitled to benefits.

5. The annuity payable to a surviving child or children is subject to the following:

(a) The total monthly benefit payable to a surviving child or children is equal to the same monthly annuity that was to have been payable to the surviving spouse.

(b) If there is more than one child designated by the participant, then the children are entitled to share the annuity in equal monthly amounts.

(c) Each child entitled to an annuity shall receive that child's share until the child becomes 18 years of age or during the entire period of the child's physical or mental disability, whichever period is longer.

(d) Upon the cessation of payments to one designated child, if there is at least one other child then surviving and still entitled to payments, the remaining child or children shall share equally the annuity. If the surviving spouse of the participant is surviving upon the cessation of payments to all designated children, the surviving spouse will then receive the annuity for the remainder of the spouse's life.

(e) The annuity shall be payable to the participant's surviving spouse if any of the following occur:

(1) No child named as a beneficiary by a participant survives the participant.

(2) No children designated by the participant are entitled to an annuity due to their age at the time of death of the participant.

(3) A designation is not made.

(f) An annuity payable to a surviving child or children may be paid to a trust or a custodian account under IC 30-2-8.5, established for the surviving child or children as designated by the participant.

E. WITHDRAWAL FROM THE 1977 BENEFIT SYSTEM

A participant in the 1977 benefit system who terminates services as a judge, regardless of cause, with fewer than 12 years of service may withdraw from the fund. The date of withdrawal is the date specified in a written application to the board; however, this date may not be prior to either the date of final termination or the date 30 days prior to receipt of the application for withdrawal by the board. Upon withdrawal, the participant receives the participant's total contributions to the fund either in a lump sum within 60

days after the date of the withdrawal application or in such monthly installments as elected by the participant.

II. THE 1985 BENEFIT SYSTEM

A. APPLICATION OF THE 1985 BENEFIT SYSTEM

This benefit system only applies to judges who began service after August 31, 1985.

B. NO ELECTION NOT TO PARTICIPATE

Any judge who begins service as a judge after August 31, 1985, and is not then a participant in the Judges Retirement Fund, must become a participant in the 1985 benefit system. Participation is mandatory for all eligible judges.

C. RETIREMENT BENEFITS UNDER THE 1985 BENEFIT SYSTEM

A participant, after completion of 8 years of service as a judge and your reaching age 65, or is at least 55 years old and the person's age plus years of service is at least 85 (the "Rule of 85"), is entitled to an annual retirement annuity in an amount equal to the product of the minimum salary (as defined by applicable statute) the participant was receiving at the time of separation from service multiplied by the percentage set forth in the following table (please note that, unlike the 1977 System, the salary amount will not be affected by any legislative amendments elevating the salary after the date of separation):

YEARS OF SERVICE	PERCENTAGE
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

If the participant is not age 65 and does not satisfy the “Rule of 85” on the date of retirement, the annual annuity is reduced by 0.1% for each month the participant’s retirement date precedes the participant’s 65th birthday. This reduction does not apply to a participant who separated from service due to a permanent disability

D. SURVIVOR’S BENEFIT UNDER THE 1985 BENEFIT SYSTEM

Under the Judges 1985 Benefit System, the participant may designate either a spouse or surviving child or children to receive a survivor’s benefit. Pursuant to IC 33-13-10.1 *et seq.*, the specific benefit provisions are as follow:

1. The surviving spouse or child or children of a participant, as designated by the participant, of a participant who:
 - (a) dies; and
 - (b) on the date of death:
 - (1) was receiving benefits under this chapter;
 - (2) had completed at least 8 years of service and was in service as a judge;
 - (3) was permanently disabled; or
 - (4) had completed at least 8 years of service, was not still in service as a judge, and was entitled to a future benefit;is entitled, regardless of the participant's age, to a benefit equal to the greater of:

- (a) 50% of the amount of retirement benefit the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement benefits on the date of death, with reductions as necessary. Reductions are necessary if a participant who applies for a retirement benefit has not attained age 65, the participant is entitled to receive a reduced annual retirement benefit that equals the benefit that would be payable if the participant were 65 reduced by 0.1% for each month that the participant's age at retirement precedes the participant's 65th birthday. This reduction does not apply to:

- (1) participants who are separated from service because of permanent disability;
 - (2) survivors of participants who die while in service after August 1, 1992; or
 - (3) survivors of participants who die while not in service but while entitled to a future benefit.

- (b) or, the amount determined under the following table:

Year	Amount
July 1, 1995, to June 30, 1996	\$10,000
July 1, 1996, to June 30, 1997	\$11,000
July 1, 1997, and thereafter	\$12,000

The benefit payable to a surviving spouse or surviving child or children under the previous paragraph is subject to the following:

- (a) A surviving spouse is entitled to receive the benefit for life.
- (b) The total monthly benefit payable to a surviving child or children is equal to the same monthly benefit that was to have been payable to the surviving spouse.
- (c) If there is more than one child designated by the participant, then the children are entitled to share the benefit in equal monthly amounts.
- (d) Each child entitled to a benefit shall receive that child's share until the child becomes 18 years of age or during the entire period of the child's physical or mental disability, whichever period is longer.
- (e) Upon the cessation of benefits to one designated child, if there are one or more other children then surviving and still entitled to benefits, the remaining children shall share equally the benefit. If the surviving spouse of the participant is surviving upon the cessation of benefits to all designated children, the surviving spouse shall then receive the benefit for the remainder of the spouse's life.
- (f) The benefit shall be payable to the participant's surviving spouse if any of the following occur:
 - (1) No child named as a beneficiary by a participant survives the participant.
 - (2) No children designated by the participant are entitled to a benefit due to their age at the time of death of the participant.
 - (3) A designation is not made.
- (g) A benefit payable to a surviving child or children may be paid to a trust or a custodian account under IC 30-2-8.5, established for the surviving child or children as designated by the participant.
- (h) If a participant's spouse does not survive the participant, and there is no child designated and entitled to receive a benefit, any surviving dependent child of a participant is, upon the death of the participant, entitled to a benefit equal to the benefit the participant's spouse would have received.

- (i) If a surviving spouse of a decedent participant dies and a dependent child of the surviving spouse and the decedent participant survives them, that dependent child is entitled to receive a benefit equal to the benefit the spouse was receiving or would have received.
- (j) If under either of the 2 previous paragraphs there is more than one dependent child, then the dependent children are entitled to share the benefit equally.
- (k) If a dependent child receives benefits, each dependent child is entitled to receive that child's share until the child reaches the age of 18 years or during the entire period of the child's physical or mental disability, whichever period is longer.
- (l) If no benefits are payable to the survivors of a participant who dies and if a withdrawal application is filed with the board, the total of the participant's contributions plus interest (as determined by the board) minus any payments made to the participant shall be paid to:
 - (1) the surviving spouse of the participant or a child or children of the participant, as designated by the participant;
 - (2) any other dependent or dependents of the participant, if a spouse or designated child does not survive; or
 - (3) the participant's estate, if a spouse, designated child, or other dependent does not survive.
- (m) The amount owed a spouse, designated child, or other dependent or dependents, or estate under the previous paragraph is payable within 60 days from the date of receipt of the withdrawal application or in such monthly installments as the recipient elects.
- (n) Notwithstanding any other provision of the ~~1977~~ **1985** System, benefits paid pursuant to it may not exceed the maximum annual benefit specified by Section 415 of the Internal Revenue Code

E. WITHDRAWAL FROM THE 1985 BENEFIT SYSTEM

If a participant ceases services as a judge, other than through death or disability, and:

- a.) is not eligible for a retirement benefit under the 1985 system; or,
- b.) has not completed 8 years of service;

the participant may withdraw from the fund. The effective date of withdrawal is the date designated by the participant in a written withdrawal application submitted to the board. The date withdrawal begins may not predate the date

of final termination or 30 days after the board receives written application for withdrawal. Upon withdrawal, the participant is entitled to receive the participant's total contributions either in a lump sum within 60 days after the receipt of the withdrawal application by the board or in such monthly installments as the participant may elect.

If the participant dies and no survivor's benefit is payable under the 1985 benefit system, and if a withdrawal application is filed with the board, then the total contributions made by the participant plus interest, as determined by the board, less any payments made to the participant, are paid to the:

- a.) the surviving spouse or child as designated by the participant;
- b.) any other dependent or dependents of the participant if there is no spouse or designated child surviving; or
- c.) the participant's estate if a spouse, designated child or other dependent does not survive.

III. PROVISIONS APPLICABLE TO THE 1977 AND 1985 SYSTEMS

A. REQUIRED CONTRIBUTIONS

Contributions are 6% of the judge's minimum salary (as defined by applicable statute). The contributions are deducted pre tax from the judge's salary by the state and paid directly to the retirement fund. The required contributions cease after 22 years of service are completed and during any period the participant is not serving as a judge.

B. COMMENCEMENT OF RETIREMENT BENEFITS

A participant in either the 1977 or 1985 benefit systems is eligible for a retirement annuity beginning on the date specified in a written application to the board. The commencement date may not predate either the date of termination of service as a Judge or the date 30 days prior to the receipt of application by the board. To qualify for a benefit, the participant must either be: (1) at least 65 years of age and have completed at least 8 years of service, (2) satisfy the "rule of 85," (3) be at least 62, not satisfy the "rule of 85" and qualify for a reduced benefit, or (4) must be permanently disabled. In addition, the participant may not be receiving any salary for services currently performed except for services rendered in the capacity of a judge pro tem or a senior judge.

Application forms are available from the plan administrator, The Public Employees' Retirement Fund.

C. SURVIVOR BENEFITS – DURATION AND ELIGIBILITY

A surviving spouse receives the survivor benefit for life. Designated

children, if more than one was designated, share equally in the benefit during minority or for the duration of any physical or mental disability, whichever is longer. As benefits cease to one surviving child, the remaining children share the survivor benefit equally. Upon cessation of benefits to all designated surviving children, the survivor benefit is payable to the surviving spouse for the remainder of the surviving spouse's life.

If the surviving spouse dies with dependent children of the surviving spouse and the participant surviving, then the surviving children receive the survivor benefit until age 18 or for the entire duration of any physical or mental disability, whichever is longer.

The survivor's annuity is payable to the surviving spouse if the participant does not make a designation of beneficiary, or if the children designated either do not survive the participant or are not entitled to receive an annuity due to their age at the death of the participant.

If the participant's spouse does not survive the participant and there are no children designated to receive the annuity, then any surviving dependent child is entitled to receive the survivor's annuity upon the participant's death.

D. CREDIT FOR PRIOR SERVICE AS FULL-TIME COMMISSIONER, REFEREE, OR MAGISTRATE

If a person becomes a participant in either the judges' 1977 or 1985 benefit systems, credit for prior service by the judge as a full-time referee, full-time commissioner, or full-time magistrate shall be granted if:

- (1) the prior service was credited under the public employees' retirement fund;
- (2) the state contributes to the judges' 1977 or 1985 benefit system the amount the board determines necessary to amortize the prior service liability over a period determined by the board, but not more than 10 years; and
- (3) the judge pays in a lump sum or in a series of payments determined by PERF, not exceeding 5 annual payments, the amount the judge would have contributed if the judge had been a member of the judges' 1977 or 1985 benefit systems during the prior service.

If the above requirements are not satisfied, a participant is entitled to credit only for years of service after the date of participation in the 1977 or 1985 benefit system.

The following provisions apply to eligible participants:

- (1) A minimum benefit applies to participants receiving credit in either the judges' 1977 or 1985 benefit system from service covered by the public employees' retirement fund. For those

participants receiving credit under the 1977 benefit system, the minimum benefit is payable at 65 years of age. For those participants receiving credit under the 1985 benefit system, the minimum benefit is payable at 65 years of age or when the participant is at least 55 and the participant's age in years plus the participant's years of service is at least 85 (the "rule of 85"). The minimum benefit equals the actuarial equivalent of the vested retirement benefits that is:

(a) payable to the member at normal retirement as of the day before the transfer; and

(b) based solely on:

(i) creditable service;

(ii) the average of the annual compensation; and

(iii) the amount credited to the annuity savings account of the transferring member as of the day before the transfer.

(2) If the requirements are otherwise satisfied, PERF shall transfer from the public employees' retirement fund to the judges' 1977 benefit system the amount credited to the annuity savings account and the present value of the retirement benefit payable at 65 years of age that is attributable to the transferring participant. For those participants whose requirements are otherwise satisfied and who participate in the 1985 benefit system, PERF shall transfer from the employees' retirement fund to the judges' 1985 benefit system the amount credited to the annuity savings account and the present value of the retirement benefit payable at 65 years of age or at least 55 and the participant's age in years plus the participant's years of service is at least 85 that is attributable to the transferring participant.

(3) The amount the state and the participant must contribute to either the judges' 1977 or 1985 benefit system shall be reduced by the amount transferred to either the judges' 1977 or 1985 benefit system by PERF.

(4) Credit for prior service in the public employees' retirement fund for service other than as a full-time referee, full-time commissioner, or full-time magistrate remains under the public employees' retirement fund and may not be credited under the judges' 1977 benefit system.

(5) If all other requirements are satisfied, credit for prior service in the public employees' retirement fund as a full-time referee, full-time commissioner, or full-time magistrate is waived. Any credit for the prior service under either the judges' 1977 or 1985 benefit system may be granted as outlined herein.

See I.C. 33-13-9.1-10 and I.C. 33-13-10.1-14

E. CREDIT FOR PRIOR SERVICE AS A MEMBER OF PERF

Under the 1985 or 1977 systems, a person may be credited for prior service in a PERF-covered position if the person:

- (1) is a judge participating in the 1977 or 1985 systems;
 - (2) before becoming a judge was a member of an Indiana public employees' retirement fund;
 - (3) received credited service under an Indiana public employees' retirement fund for the PERF-covered employment, and the credited service is not eligible for prior service credit as a full-time magistrate, referee, or commissioner;
 - (4) has not attained vested status under an Indiana public employees' retirement fund for the employment described in subdivision (2); and
 - (5) has at least eight (8) years of service credit in the judges' retirement system.
- (b) If a person becomes a participant in the judges' 1985 or 1977 benefit systems, credit for service described in subsection (a) shall be granted under this chapter by the board if:
- (1) the prior service was credited under an Indiana public employees' retirement fund; and
 - (2) the judge pays in a lump sum or in a series of payments determined by the board, not exceeding five (5) annual payments, the amount determined by the actuary for the 1985 or 1977 benefit systems as the total cost of the service.
- (c) If the requirements for credit for prior service are not satisfied, a participant is entitled to credit only for years of service after the date of participation in the 1985 benefit system.
- (d) An amortization schedule for contributions paid under this section must include interest at a rate determined by the board.
- (e) If the requirements for credit for prior service are satisfied, the appropriate board shall transfer from the PERF fund to the judges' 1985 or 1977 benefit system the amount credited to the judge's annuity savings account and the present value of the retirement benefit payable at sixty-five (65) years of age that is attributable to the transferring participant.
- (f) The amount a participant must contribute to the judges' 1985 or 1977 benefit systems shall be reduced by the amount transferred to the judges' 1985 or 1977 benefit system by the board.
- (g) Should the person be credited for prior PERF service in the 1985 or 1977 systems, credit for prior service in PERF is waived.

See IC 33-13-9.1-10.5 and 33-13-10.1-14.5.

For more information regarding the retirement system, please contact:

Judges' Retirement System
Harrison Building, Suite 800
143 W. Market Street
Indianapolis, IN 46204
317/233-4146

DISABILITY

Disability, as determined by at least two physicians, and verified annually, qualifies the judge to an annual benefit which is the product of the following:

- a.) the salary being paid at the time of separation from service multiplied by;
- b.) the percentage prescribed in the following table:

YEARS OF SERVICE	PERCENTAGE
0-12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

For more information regarding disability, please contact,

Judges' Retirement System
Harrison Building, Suite 800
143 W. Market Street
Indianapolis, IN 46204
317/233-4146